

STATE OF FLORIDA  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

Final Order No. DOH-00-1095-401-MQA  
FILED DATE - 6-28-00  
Department of Health

By: Ronda Bryan  
Deputy Agency Clerk

vs.

CASE NO.: 97-11268

LICENSE NO.: ~~ME0040155~~

0041055

GHANSHYAM D. PATEL, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on June 3, 2000, in Ft. Lauderdale, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Larry G. McPherson, Jr., Senior Prosecuting Attorney. Respondent was present but was not represented by counsel. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law by the Board.

3. The violations set forth warrant disciplinary action by the Board. THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of \$5000 within one (1) year from the date this Final Order is filed.

2. Respondent shall be and hereby is REPRIMANDED.

3. Respondent shall complete the medical records course sponsored by the Florida Medical Association within one (1) year from the date this Final Order is filed.

4. Respondent is permanently restricted from the practice of obstetrics in any setting.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 23<sup>RD</sup> day of June, 2000.

BOARD OF MEDICINE

*Tanya Williams*  
for GEORGES A. EL-BAHRI, M.D.  
CHAIRMAN

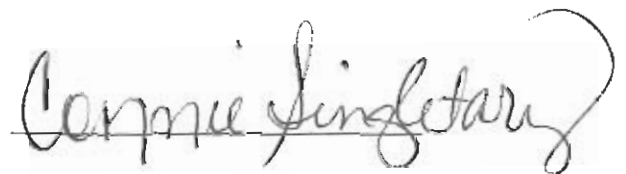
NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES.

PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE AGENCY FOR HEALTH CARE ADMINISTRATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Ghanshyam D. Patel, M.D., 3709 West Hamilton Avenue, Tampa, Florida 33614-4061; and by interoffice delivery to Kathryn L. Kasprzak, Chief Medical Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this 28<sup>th</sup> day of June, 2000.



**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,	)	
	)	
PETITIONER,	)	
	)	
v.	)	CASE NO. 97-11268
	)	
GHANSHYAM D. PATEL, M.D.,	)	
	)	
RESPONDENT.	)	
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**ADMINISTRATIVE COMPLAINT**

COMES NOW the Petitioner, Department of Health, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Ghanshyam D. Patel, M.D., hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the authority of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

2. Respondent is and has been at all times material hereto a licensed physician in the state of Florida, having been issued license number ME 0041055. Respondent's last known address is 3709 West Hamilton Avenue, Tampa, Florida 33614-4061.

3. Respondent was initially licensed as a physician in the State of Florida on or about October 27, 1982. Respondent practices in obstetrics and gynecology, but is not board-certified.

4. The patient E.S., born September 1, 1966, first presented to Respondent on or about January 9, 1990. On January 13, 1990, E.S. executed a handwritten authorization allowing Respondent to terminate her pregnancy. The patient chart does not indicate whether the procedure was actually performed.

5. E.S. presented again to Respondent on May 1 and June 7, 1990. On June 9, 1990, E.S. executed a handwritten authorization allowing Respondent to terminate her pregnancy. There are no notes in the patient chart concerning the actual performance of the procedure. On June 19, 1990, an entry was made in the chart indicating "S/P TOP", apparently meaning that the patient's status was post-termination of pregnancy.

6. E.S. was seen by Respondent again on August 29, September 20, October 11, and December 3, 1990, for various gynecological problems. On February 4, 1991, E.S. presented to Respondent with a complaint of lower abdominal discomfort. The chart indicates that a pregnancy was suspected. On February 25, 1991, E.S. returned to Respondent, and Respondent made a positive finding of fetal heart tones that date.

7. E.S. returned to Respondent for periodic pre-natal visits on April 4, April 22, May 1, June 17, July 9, August 1, August 15, August 20, September 9, September 16, and September 23, 1991.

8. On September 26, 1991, Respondent performed a Caesarian section upon E.S. at University Community Hospital in Tampa, and delivered a live male infant. Respondent's narrative report for the procedure indicates that E.S. had "a history of previous Cesarean section secondary to cephalopelvic disproportion." Also noted was "a surgical scar secondary to previous C-section."

9. E.S. was seen by Respondent again on January 8 and January 13, 1992, for various gynecological problems.

10. E.S. was next seen by Respondent on November 11, 1992, and diagnosed as having "early pregnancy". The chart indicates further "wants TOP". The patient chart does not indicate that any diagnostic testing, such as a sonogram or other clinical assessment, was performed by Respondent concerning the pregnancy to be terminated.

11. E.S. was next seen by Respondent on November 14, 1992. The chart does not indicate that any diagnostic testing, such as a sonogram or other clinical assessment, was performed by Respondent concerning the pregnancy prior to the procedure performed that date. The chart indicates "TOP Done under I.V. sedation", and that the procedure was "tolerated well". The chart does not otherwise indicate the particulars of the procedure, the patient's blood loss (if any), or other notes pertinent to the procedure.

12. E.S. was next seen by Respondent on January 4, 1993. The chart indicates "S/P TOP", indicates Respondent's impression as "Early pregnancy", and a plan of voluntary termination of pregnancy. The chart indicates further that a termination procedure was performed by Respondent the same day, with a large amount of fluid and a small amount of tissue obtained. The chart does not otherwise indicate the particulars of the procedure, the patient's blood loss (if any), or other notes pertinent to the procedure.

13. On January 6, 1993, E.S. was admitted to Northlake Regional Medical Center in Tucker, Georgia, with complaints of abdominal pain. An ultrasound examination was performed, which indicated a dead fetus of approximately sixteen (16) weeks gestational age in the patient's uterus. The uterus was evacuated on January 7, 1993, and the placental products sent to pathology for confirmation.

14. The report of the Department of Pathology, Northlake Regional Medical Center, indicates that the fetus evacuated from E.S. on January 7, 1993 was approximately seventeen (17) weeks gestational age.

15. A reasonably prudent physician would have thoroughly documented the details of the termination procedure for E.S., if one took place, in January, 1990.

16. A reasonably prudent physician would have thoroughly documented the details of the termination procedure for E.S. in June, 1990.

17. A reasonably prudent physician would have undertaken diagnostic measures to include clinical assessment of gestational age prior to entertaining a termination procedure for E.S. in November, 1992.

18. A reasonably prudent physician would have documented a thorough evaluation of the patient prior to commencing a termination procedure for E.S. in November, 1992.

19. A reasonably prudent physician would have thoroughly documented the details of the termination procedure for E.S. in November, 1992, and verified completion of the termination of pregnancy by assessing the products of conception.

20. A reasonably prudent physician, with a patient who had a recent termination of pregnancy procedure and was still pregnant, would have undertaken diagnostic measures including a sonogram prior to entertaining a termination procedure for E.S. in January, 1993.

21. A reasonably prudent physician would have documented a thorough evaluation of the patient prior to commencing a termination procedure for E.S. in January, 1993.

22. During the termination procedure for E.S. in January, 1993, the large volume of fluid and the small amount of tissue would have alerted a reasonably prudent physician of the need to conduct further evaluation of the patient.

23. A reasonably prudent physician would have thoroughly documented the details of the termination procedure for E.S. in January, 1993.

COUNT ONE

24. Petitioner realleges and incorporates paragraphs one (1) through twenty-three (23) as if fully set forth herein this Count One.

25. Section 458.331(1)(t), Florida Statutes, provides that the Department of Health may take disciplinary action against a licensed medical doctor upon the medical doctor's "failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances."

26. Respondent violated Section 458.331(1)(t), F.S. with respect to E.S., due to one or more of the following facts:

a. Respondent failed to thoroughly document the details of the termination procedure for E.S., if one took place, in January, 1990.

b. Respondent failed to thoroughly document the details of the termination procedure for E.S. in June, 1990.

c. Respondent failed to undertake diagnostic measures to include clinical assessment of gestational age prior to entertaining a termination procedure for E.S. in November, 1992.

d. Respondent failed to document a thorough evaluation of the patient prior to commencing a termination procedure for E.S. in November, 1992.

e. Respondent failed to thoroughly document the details of the termination procedure for E.S. in November, 1992.



f. Respondent failed to verify completion of the termination of pregnancy by assessing the products of conception, for the procedure in November, 1992.

g. Respondent failed to undertake diagnostic measures including a sonogram prior to entertaining a termination procedure for E.S. in January, 1993.

h. Respondent failed to document a thorough evaluation of the patient prior to commencing a termination procedure for E.S. in January, 1993.

i. Respondent failed to thoroughly document the details of the termination procedure for E.S. in January, 1993.

j. Respondent failed to conduct further evaluation of the patient after obtaining a large amount of fluid and a small amount of tissue for the procedure in January, 1993.

k. Respondent failed to evacuate and appropriately dispose of fetal remains following the procedure in January, 1993.

#### COUNT TWO

27. Petitioner realleges and incorporates paragraphs one (1) through twenty-three (23), and paragraph twenty-five (25), as if fully set forth herein this Count Two.

28. Section 458.331(1)(m), Florida Statutes (1993), provides that the Department of Health may take disciplinary action against a licensed medical doctor for failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, test results, records of drugs prescribed, dispensed, or administered, and reports of consultations and hospitalizations.

29. Respondent violated Section 458.331(1)(m), Florida Statutes (1993), in that he failed to keep medical records to justify the course of treatment of E.S. due to one or more of the following facts:

a. Respondent failed to thoroughly document the details of the termination procedure for E.S., if one took place, in January, 1990.

b. Respondent failed to thoroughly document the details of the termination procedure for E.S. in June, 1990.

c. Respondent failed to document a thorough evaluation of the patient prior to commencing a termination procedure for E.S. in November, 1992.

d. Respondent failed to thoroughly document the details of the termination procedure for E.S. in November, 1992.

e. Respondent failed to document a thorough evaluation of the patient prior to commencing a termination procedure for E.S. in January, 1993.

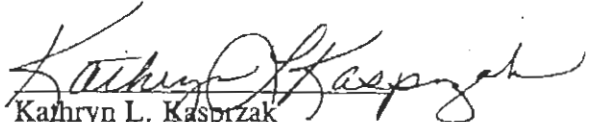
f. Respondent failed to thoroughly document the details of the termination procedure for E.S. in January, 1993.

WHEREFORE, Petitioner respectfully requests the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license to practice medicine; restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, the assessment of costs related to the investigation and prosecution of this case as provided for

in Section 455.624(4), Florida Statutes, and/or any other relief that the Board deems appropriate.

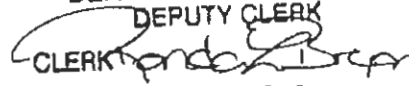
SIGNED this 19<sup>th</sup> day of November, 1999.

Robert G. Brooks, M.D., Secretary

  
Kathryn L. Kasprzak  
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Kathryn L. Kasprzak  
Chief Medical Attorney  
Agency for Health Care Administration  
P. O. Box 14229  
Tallahassee, Florida 32317-4229  
Florida Bar #0937819  
KLK/rme  
PCP: November 12, 1999  
PCP Members: Slade, Tucker, Varn

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK   
DATE 11-19-99